

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

In re:

JAMES A. WEST, SR.
KNAITHA D. WEST,

Case No. 02-71089-DHA
Chapter 13

Debtors

STIPULATION OF FACTS

Frank J. Santoro, Standing Chapter 13 Trustee (the "Trustee") and NAE Federal Credit Union ("NAE") hereby stipulate to the following facts in connection with the hearing on the Trustee's Motion for Turnover of Vehicle Title and Request for Hearing (the "Motion"):

1. James A. West, Sr. and Knaitha D. West (the "Debtors") filed a voluntary petition under Chapter 13 of Title 11 of the United States Code in this Court on February 21, 2002.

Relief was ordered.

2. On March 7, 2002, the Debtors filed their original plan (the "Plan"), a copy of which is attached hereto as Exhibit A.

3. On May 29, 2002 the Court entered an order confirming the Plan (the "Confirmation Order"), a copy of which is attached hereto as Exhibit B.

4. The Plan calls for the payment of a 1997 Eddie Bauer Ford Expedition (the "Expedition"), secured by NAE, to be paid through the plan with a balance of \$20,000.00 and a fair market value of \$21,000.00 with 12% interest.

Frank J. Santoro, VSB No. 20259
Standing Chapter 13 Trustee
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5. On May 13, 2002, NAE filed a proof of claim related to the Expedition (the “Claim”) in the amount of \$23,025. A copy of the Claim is attached hereto as Exhibit C.
6. On September 12, 2002, the Trustee filed the Motion and Notice to Allow Claims (the “Motion and Notice”), a copy of which is attached hereto as Exhibit D.
7. Pursuant to the Motion and Notice, the amount of the secured portion of the Claim was \$21,000.00 and the unsecured portion of the Claim was \$4,489.54.
8. NAE received the Motion and Notice and did not object.
9. On October 17, 2002, the Court entered the Order Approving Claims (the “Claims Order”), a copy of which is attached hereto as Exhibit E.
10. On July 14, 2005, Geico advised the Trustee the Expedition had been in an accident and was a total loss. Geico sent the Trustee a check in the amount of \$9,336.50, representing the insurance proceeds, a copy of which is attached hereto as Exhibit F.
11. The insurance policy with Geico was purchased post-petition by the Debtors and NAE is the loss payee on the policy.
12. As stated in the Financial Report of Distributions to NAE for the Expedition (the “Financial Report”), NAE has been paid principal of \$14,664.39 and interest of \$6,397.57 on the Claim. A copy of the Financial Report is attached hereto as Exhibit G.
13. \$6,335.61 is the remaining balanced owed by the Debtors to NAE on the secured portion of the Claim.

Respectfully submitted this 5th day April, 2006.

FRANK J. SANTORO,
STANDING CHAPTER 13 TRUSTEE

/s/ Kelly M. Barnhart, with permission of
By: Frank J. Santoro
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NAE FEDERAL CREDIT UNION

By: */s/ Jonathan L. Hauser*
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